

**REMARKS**

In an Office Action dated February 8, 2005 and a supplemental Office Action dated February 11, 2005, claims 44-61 were rejected. By this amendment, claims 45-46, and 62-76 have been Canceled. Claim 44 has been amended. Claims 44 and 47-61 remain pending.

Applicants request reconsideration of the pending claims in view of the present amendment and following remarks.

**Priority**

The Examiner has asserted that the recitation "about 20-100 nucleotides" is not supported by the specification as filed and therefore the current application is to be treated as a continuation-in-part. Applicants respectfully disagree; however, to advance the prosecution of this case, the Applicants have amended the specification to recite "greater than 20-100 nucleotides" as the Examiner has noted is expressly set out in the specification of the parent application U.S. Serial No. 10/646,070 and 09/646,807 which are in this application's priority chain. Applicants therefore request that the Examiner treat the application as a continuation of the parent application.

**Information Disclosure Statement**

Applicants have included with this response the references noted by the Examiner as being missing from the Supplemental Information Disclosure Statement submitted on August 2, 2004.

**Oath/Declaration**

The Examiner has asserted that the oath or declaration is defective given that the Examiner considers this application a continuation-in-part. As discussed above, the Applicants have amended the claims to remove the matter alleged to be new matter. Thus Applicants respectfully assert that the declaration is proper as it correctly indicates that the present application is a continuation of the parent.

**Specification**

The Examiner requested correction of the Abstract. The specification has been amended replacing the Abstract with the missing text restored. Please note that the replacement Abstract has not been marked to show changes as the error was a photocopy error and therefore applicants cannot determine accurately what was missing.

The Examiner objected to the specification for failing to provide sequence ID numbers for all sequence data in the specification. The specification has been amended to provide the appropriate sequence ID numbers. Applicants respectfully request that the Examiner withdraw the objection.

The Examiner objected to the specification for failing to provide antecedent support for the size limitation. The claims have been amended to remove the size limitation as discussed above. Applicants respectfully request that the Examiner withdraw the objection.

**Claim Rejections – 35 USC § 112**

The Examiner has rejected claims 44-61 as allegedly failing to enable the present claims beyond isolated nucleic acid molecules that are identical to a sequence complementary to a region of a target gene.

Applicants respectfully disagree with the Examiner's grounds for rejection. However, in order to facilitate prosecution in this case applicants have amended the pending claims, without prejudice or disclaimer, to replace "at least 80% identical" with "identical." The Examiner has accepted that the specification is enabling for an isolated nucleic acid molecule that is identical to a sequence complementary to a region of a target gene. Therefore, the applicants respectfully request that the Examiner withdraw the rejection of claims 44-61.

**Claim Rejections – 35 USC § 102(a)**

The Examiner has rejected claims 44-61 as allegedly being anticipated by Harborth *et al.* *Antisense Nucl. Acid Drug Devel.* 13:83-105.

Applicants respectfully disagree. The presently pending claims are entitled to the earliest claim of priority for the present application which is March 20, 1998. Therefore, Harborth *et al.* fails to qualify as 102(a) prior art as it was published after the priority date of the present claims. Applicants respectfully request that the Examiner withdraw the rejection of claims 44-61.

The Examiner has rejected claims 44-47, 54 and 56-61 as allegedly being anticipated by McManus *et al.* (2002) *RNA* 8:842-850.

Applicants respectfully disagree. The presently pending claims are entitled to the earliest claim of priority for the present application which is March 20, 1998. Therefore, McManus *et al.* fails to qualify as 102(a) prior art as it was published after the priority date of the present claims. Applicants respectfully request that the Examiner withdraw the rejection of claims 44-47, 54 and 56-61.

The Examiner has rejected claims 44-47, 49-53, 56, 57, 60 and 61 as allegedly being anticipated by Elbashir *et al.* (2002) *Methods* 26:199-213.


Applicants respectfully disagree. The presently pending claims are entitled to the earliest claim of priority for the present application which is March 20, 1998. Therefore, Elbashir *et al.* fails to qualify as 102(a) prior art as it was published after the priority date of the present claims. Applicants respectfully request that the Examiner withdraw the rejection of claims 44-47, 49-53, 56, 57, 60 and 61.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the event the U.S. Patent and Trademark office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing docket no. 546322000304. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

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Respectfully submitted,

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